

SECOND REGULAR SESSION

SENATE BILL NO. 686

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3202S.011

AN ACT

To repeal section 701.304, RSMo, and to enact in lieu thereof one new section relating to lead abatement.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 701.304, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 701.304, to read as follows:

701.304. 1. A representative of the department, or a representative of a
2 unit of local government or health department licensed by the department for this
3 purpose, may conduct an inspection or a risk assessment at a dwelling or a
4 child-occupied facility for the purpose of ascertaining the existence of a lead
5 hazard under the following conditions:

6 (1) The department, owner of the dwelling, and an adult occupant of a
7 dwelling which is rented or leased have been notified that an occupant of the
8 dwelling or a child six or fewer years of age who regularly visits the
9 child-occupied facility has been identified as having an elevated blood lead level
10 as defined by rule; and

11 (2) The inspection or risk assessment occurs at a reasonable time; and

12 (3) The representative of the department or local government presents
13 appropriate credentials to the owner or occupant; and

14 (4) Either the dwelling's owner or adult occupant or the child-occupied
15 facility's owner or agent grants consent to enter the premises to conduct an
16 inspection or risk assessment; or

17 (5) If consent to enter is not granted, the representative of the
18 department, local government, or local health department may petition the circuit
19 court for an order to enter the premises and conduct an inspection or risk

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 assessment after notifying the dwelling's owner or adult occupant in writing of
21 the time and purpose of the inspection or risk assessment at least forty-eight
22 hours in advance. The court shall grant the order upon a showing that an
23 occupant of the dwelling or a child six or fewer years of age who regularly visits
24 the child-occupied facility has been identified as having an elevated blood lead
25 level as defined by rule.

26 2. In conducting such an inspection or risk assessment, a representative
27 of the department, or representative of a unit of local government or health
28 department licensed by the department for this purpose, may remove samples
29 necessary for laboratory analysis in the determination of the presence of a
30 lead-bearing substance or lead hazard in the designated dwelling or
31 child-occupied facility.

32 3. The director shall assess fees for licenses and accreditation and impose
33 administrative penalties in accordance with rules promulgated pursuant to
34 sections 701.300 to 701.338. All such fees and [fines] **administrative penalties**
35 shall be deposited into the state treasury to the credit of the public health
36 services fund established in section 192.900, RSMo.

Bill ✓

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